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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,113	06/21/1999	ESKO HANNULA	NC273315	8541

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EXAMINER

ABDI, KAMBIZ

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 01/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

H.G

Office Action Summary

Application No.

09/337,113

Applicant(s)

HANNULA, ESKO

Examiner

Kambiz Abdi

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/21/99 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Claims 1-22 have been examined.

Drawings

2. The drawings filed on June 29 1999 are acceptable subject to correction of the informalities indicated on the attached "Notice of Draftperson's Patent Drawing Review," PTO-948. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: page 10, line 1 and page 11, line 16, the reference number for the figures are missing. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,061,664 to Pietrese.

6. As for claim 1, Pietres discloses the claimed invention apparatus for a recipient mobile terminal for facilitating copying of content executable at a provider mobile terminal, thereafter to be executable at the recipient mobile terminal by a recipient-terminal user, execution of the content at the recipient mobile terminal at least selectably incurring a fee payable to a payee entity, the recipient mobile terminal being a peer device of the provider terminal, said apparatus comprising:

a recipient-terminal downloading connector selectably operable to effectuate a communication link with the provider mobile terminal;

a credit payment indicator for containing at least an indicia of creditworthiness of the recipient-terminal user; and a downloading controller coupled to said payment indicator

and to said downloading connector, said downloading controller for permitting said recipient-terminal downloading connector to effectuate the communication link with the provider terminal, thereby to download the content to the recipient mobile terminal if said payment indicator indicates the indicia of creditworthiness to be at least a selected threshold (see column 1, lines 15-23, column 2 lines 1-24 and lines 49-65, and column 4 lines 1-18, 18-32, 38-57, and 60-65).

7. But Pietrese does not clearly specify "mobile provider terminal", as recited in claims 1, 15, and 22. However, it would have been obvious to one having ordinary skill in the art at the time the current invention was made to make both the receiving and provider terminals portable. In re Lindberg 93 USPQ 23 (CCPA 1952). Since by doing so, it would make any terminal to be moved about easily and terminals can be characterized as being small and light, making their transportation very easy.

8. As for claim 2, Pietres discloses the apparatus of claim 1 wherein the provider mobile terminal comprises a provider-terminal downloading connector and wherein said recipient-terminal downloading terminal is engageable the provider-terminal downloading connector (see column 3 lines 1-6, it is inherent in this type of peer to peer systems that both peers have the same relevance they must be able to communicate, this communication would require certain connectivity either physical or not).

9. As for claim 3, Pietres discloses the apparatus of claim 2 wherein a point-to-point connection is formed between the provider mobile terminal and the recipient mobile terminal when the provider-terminal downloading connector engages with said recipient-terminal downloading connector (see column 4, lines 38-57, column 4, lines 1-18, and column 12, lines 9-37, even though the Pietres dose not teach this but it is obvious to one having ordinary skill in the art at the time the current invention was made, that two entities peered as such in this invention must be able to exchange (push and pull or down-load) information amongst them).

10. As for claim 4, Pietres discloses the apparatus of claim 3 wherein the provider-terminal downloading connector and said recipient-terminal downloading connector each comprise executable downloader programs (see column 3, line 1-6 and 64-67 and column 4, lines 1-18, it is well known to one having ordinary skill in the art at the time the current invention was made, that any two terminals in order to interact with each other they must have to communicate, thus it requires the two terminals to have the appropriate software and modes of linkage be it physical or otherwise, for communication and downloading digital assets).

11. As for claim 5, Pietres discloses the apparatus of claim 1 wherein said recipient-terminal downloading connector comprises an executable downloader program, executable at the recipient mobile terminal (see column 3, line 1-6 and 64-67 and column 4, lines 1-18, it is well known to one having ordinary skill in the art at the time the current invention was made, that any two terminals in order to interact with each other they must have to communicate, thus it requires the two terminals to have the appropriate software for communication and downloading digital assets).

12. As for claim 6, Pietres discloses the apparatus of claim 1 wherein the content executable at the provider mobile terminal comprises a selected application program selected from amongst a plurality of application programs and wherein said recipient terminal downloading connector is actuable by the recipient-terminal user to select the selected application program from amongst the plurality of application programs (see column 2, lines 51-65, and column 5, lines 12-37).

13. As for claim 7, Pietres discloses the apparatus of claim 1 wherein said payment indicator is releasably engageable with the recipient mobile terminal, coupled to said downloading controller when engaged with the recipient mobile terminal (see column 2, lines 1-7, and column 5, lines 39-61).

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14. As for claim 8, Pietres discloses the apparatus of claim 7 wherein the recipient-terminal further comprises a card-member receiving platform and wherein said payment indicator comprises a payment card containing the indicia of the creditworthiness of the recipient-terminal user stored thereon, said payment and releasably positionable at the card-member receiving platform to be coupled to said downloading controller when positioned thereat (see column 2, lines 51-65, and column 4, lines 9-32).

15. As for claim 9, Pietres discloses the apparatus of claim 1 wherein said payment indicator comprises electronic-wallet software executable at the recipient mobile terminal. (see column 1, lines 40-56, column 10, lines 65-67, and column 11, lines 1-7, it is well known to one having ordinary skill in the art at the time the current invention was made, that debit accounts information stored in a SIM or any other portable credit holding devices (cards), within a digital device, or in a PC's hard drive can be utilized for paying for services on a network and they are able to execute transactions based on the information stored herein).

16. As for claim 10, Pietres discloses the apparatus of claim 1 wherein the content has cost indicia associated therewith, the cost indicia indicating a charge associated with execution of the content and wherein said downloading controller compares the cost indicia associated with the content with the indicia of creditworthiness contained at the payment indicator to determine whether the indicia of creditworthiness is at least the selected threshold (see column 1, lines 15-23, column 3, lines 18-32, and column 5, lines 39-54, it is obvious to one having ordinary skill in the art at the time the current invention was made, that in order to render services based on a monetary transaction a system has to check and verify the level of credit).

17. As for claim 11, Pietres discloses the apparatus of claim 10 wherein a payment account depository maintains an electronic payment account associated with the recipient terminal user and wherein said recipient-terminal downloading connector is further selectively operable to effectuate a communication link with the payment account depository (see column 5, lines 38-62).

18. As for claim 12, Pietres discloses the apparatus of claim 11 wherein said downloading controller is further for permitting said recipient-terminal downloading connector to effectuate the communication link with the payment account depository (see column 2, lines 66-67, and column 3 lines 1-32).

19. As for claim 13, Pietres discloses the apparatus of claim 11 wherein the content has proprietor indicia associated therewith, the proprietor indicia indicating the payee entity to whom the charge associated with the execution of the content is selectably to accrue and wherein the indicia of creditworthiness is debited to the benefit of the payee entity, to permit the content to be executed at the recipient mobile terminal (see column 10, lines 65-67, and column 11, lines 1-7, it is well known to one having ordinary skill in the art at the time the current invention was made, that e-commerce systems do keep track of the customer transactions as specific data related to the transaction within a data base unique to that consumer).

20. As for claim 14, Pietres discloses the apparatus of claim 13 wherein the content further has payment account depository indicia associated therewith, the payment account depository indicia indicating the location to which said recipient-terminal downloading connector is to effectuate the communication link (see column 5, lines 12-62).

21. As for claim 15, the same rationale as claim 1 has been applied to claim 15. Pietres discloses the claimed method for facilitating copying of a content, executable at a provider mobile terminal, to a recipient mobile terminal, thereafter to be executable at the recipient mobile terminal by a recipient mobile terminal user, said method comprising:

forming a communication link between the recipient mobile terminal and the provider mobile terminal;

determining whether an indicia of creditworthiness, located at the recipient mobile terminal is at least a selected threshold; and

downloading the content to the recipient mobile terminal if the indicia of creditworthiness is determined, during said operation of determining, to be at least the selected threshold (see column 4 lines 1-18, 18-32, 38-57, and 60-65).

22. As for claim 16, Pietres discloses the method of claim 15 wherein the content has cost indicia associated therewith and wherein said operation of determining comprises comparing a value of the indicia of creditworthiness and a value of the cost indicia (see column 5, lines 4-53, column 10, lines 65-67, and column 11, lines 1-7, it is well known to one having ordinary skill in the art at the time the current invention was made, that it is understood for any transaction in the virtual world a determination is made for credit worthiness of the purchaser and it is compared with the cost associated with the services rendered before any transaction takes place).

23. As for claim 17, Pietres discloses the method of claim 15 comprising the additional operation, prior to said operation of determining, of providing the indicia of creditworthiness to the recipient mobile terminal (see column 5, lines 4-53, column 10, lines 65-67, and column 11, lines 1-7, it is obvious to one having ordinary skill in the art at the time the current invention was made, that it is understood for any transaction to take place or any transfer of digital assets to occur a determination is made for credit worthiness of the purchaser).

24. As for claim 18, Pietres discloses the method of claim 17 wherein said operation of providing the indicia of creditworthiness to the recipient mobile terminal comprises positioning a payment card containing the indicia of creditworthiness therein at the recipient mobile terminal (see column 2, lines 51-65 and column 4, lines 9-17).

25. As for claim 19, Pietres discloses the method of claim 17 wherein the indicia of creditworthiness comprises a part of electronic-wallet software executable at the recipient mobile terminal and wherein said operation of providing comprises updating the part of the electronic-wallet software (see column 1,

lines 40-56, column 10, lines 65-67, and column 11, lines 1-7, it is well known to one having ordinary skill in the art at the time the current invention was made, that debit accounts information stored in a SIM or any other portable credit holding devices (cards), within a digital device, or in a PC's hard drive can be utilized for paying for services on a network and they are able to execute transactions based on the information stored herein).

26. As for claim 20, Pietres discloses the method of claim 15 wherein the content has proprietor indicia associated therewith, the proprietor indicia indicating a payee entity to whom a charge associated with execution of the content is selectively to accrue, and wherein said method further comprises the operations of:

debiting the indicia of creditworthiness for the content downloaded to the recipient mobile terminal; and

crediting the payee entity for execution of the content at the recipient mobile terminal (see column 10, lines 65-67, and column 11, lines 1-7, it is well known to one having ordinary skill in the art at the time the current invention was made, that e-commerce systems do keep track of the customer transactions as specific data related to the transaction within a data base unique to that consumer and based on the information obtained through communications between the two terminals certain transactions take place. Accordingly the cost associated with the transactions are debited to the recipient of the services credit data just as it is credited to the providers data where ever it might be have been stored).

27. As for claim 21, Pietres discloses the method of claim 20 wherein the content has payment account depository indicia associated therewith, the payment account depository indicia indicating a location at which a payment account depository of the payee entity is located and wherein said operation of crediting comprises:

forming a communication link between the recipient mobile terminal and the payment account depository; and

effectuating electronic payment to the payment account depository (see column 5, lines 12-62).

28. As for claim 22, Pietres discloses the apparatus for permitting a recipient mobile terminal user to run, at a recipient mobile terminal, an content stored at a provider mobile terminal, said apparatus comprising:

an electronic payment account containing an indicia of at least credit indicia;

a connector for forming a communication link between the recipient mobile terminal and the provider mobile terminal; and

a downloader coupled to said electronic payment account and to said connector, said downloader for effectuating downloading of the application program of the at least credit indicia of said electronic payment account is at least as great as a selected threshold (see column 1, lines 16-23 and column 2, lines 51-65, column 3, lines 1-32 and lines 64-67, and column 4, lines 9).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (703) 305-3364. The examiner can normally be reached on 9:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-1396 for regular communications and (703) 308-1396 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Abdi/ka
December 28, 2001


Hyung Sub Sough
Primary Examiner